

JUN. 8. 2006 4:58PM

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NO. 081 P. 2

PTO-1390 (Rev. 07-2005)
Approved for use through 03/31/2007. OMB 0651-0021
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 562492006400
INTERNATIONAL APPLICATION NO. PCT/GB2004/002726	INTERNATIONAL FILING DATE 25 June 2004	U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/561,726
TITLE OF INVENTION METHOD AND ARRANGEMENT FOR TCP FLOW CONTROL		PRIORITY DATE CLAIMED 27 June 2003
APPLICANT(S) FOR DO/EO/US Timothy SPEIGHT and Nicholas JELBERT		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (8), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). - 1 page
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment. (9 pages)
14. ☒ An Application Data Sheet under 37 CFR 1.76. (Supplemental, 2 pages)
15. ☐ A substitute specification.
16. ☒ A power of attorney and/or change of address letter w/3.73(b) Statement and copy of Assignment. - 3 pages
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: This transmittal in duplicate for fee processing (6 pgs.); Petition for Extension of Time (in duplicate, 2 pgs.); Copy of Notice of Missing Requirements (2 pgs.); Fax Cover Sheet

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NO. 081—P. 3—

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U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/561,726		INTERNATIONAL APPLICATION NO. PCT/GB2004/002726		ATTORNEY'S DOCKET NUMBER 562492005400	
The following fees have been submitted					
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))				CALCULATIONS	PTO USE ONLY
				\$	0
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)				\$	0
All other situations					
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)				\$	0
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB				\$	0
All other situations					
TOTAL OF 21, 22 and 23 =				\$	0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.621(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(i)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	\$	0.00
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	29 - 20 =	0	x 50.00		0.00
Independent claims	2 - 3 =	0	x 0.00		0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)					0.00
TOTAL OF ABOVE CALCULATIONS =				\$	130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$	130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	0.00
TOTAL NATIONAL FEE =				\$	0.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.26, 3.31). \$40.00 per property				\$	0.00
TOTAL FEES ENCLOSED =				\$	0.00
				Amount to be refunded:	\$
				Amount to be charged	\$ 130.00

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Approved for use through 03/31/2007. OMB 0851-0021
U. S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 03-1952 in the amount of \$ 130.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Michael S. Garrabrants
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105


SIGNATURE

Michael S. Garrabrants
NAME

CUSTOMER NUMBER: 20872

51,230
REGISTRATION NUMBER

08/14/2006 CBURT1 00000002 031952 10561726

01 FC:1617 130.00 DA

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
10/561,726

INTERNATIONAL APPLICATION NO.
PCT/GB2004/002728

ATTORNEY'S DOCKET NUMBER
562492006400

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, fax no. 671-273-3201, on the date shown below.

Dated: June 8, 2006

Signature: 

(Laura Tsang)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/561,726	FIRST NAMED APPLICANT Timothy Speight	ATTY. DOCKET NO. 562492006400
INTERNATIONAL APPLICATION NO. PCT/GB04/02728		
LA. FILING DATE 06/25/2004	PRIORITY DATE 06/27/2003	

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

COPY

CONFIRMATION NO. 8230
371 FORMALITIES LETTER

OC000000018263704

Date Mailed: 03/15/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/20/2005
- Copy of the International Search Report filed on 12/20/2005
- Copy of IPE Report filed on 12/20/2005
- Preliminary Amendments filed on 12/20/2005
- U.S. Basic National Fees filed on 12/20/2005
- Priority Documents filed on 12/20/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity;

- \$130 Surcharge.

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ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.138(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/561,726	PCT/GB04/02728	562492006400

FORM PCT/DO/EO/906 (371 Formalities Notice)

CB

10/561726

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NO. 081 P. 1

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SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

To:

NAME:	FACSIMILE:
MS PCT US Patent and Trademark Office	(571) 273-3201

FROM: Michael S. Garrabrants
Reg. No. 51,230

DATE: June 8, 2006

Number of pages with cover page:	17	
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Preparer of this slip has confirmed that facsimile number given is 10586/lxt4 correct:

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Comments:

ATTORNEY DOCKET NO.: 562492006400
SERIAL NO.: 10/561,726
FILING DATE: June 24, 2004
INVENTOR(S): Timothy SPEIGHT et al.
TITLE: METHOD AND ARRANGEMENT FOR TCP FLOW CONTROL
GROUP ART UNIT: Not Yet Assigned
EXAMINER: Not Yet Assigned

Papers attached herewith:

1. Transmittal (in duplicate, 6 pgs.)
2. Petition for Extension of Time (in duplicate, 2 pgs.)
3. Executed Declaration w/Supplemental Application Data Sheet (3 pgs.)
4. Power of Attorney w/3.73(b) Statement and Copy of Assignment (3 pgs.)
5. Copy of Notice of Missing Requirements (2 pgs.)

sf-2141786

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